

Department of Commerce  
National Oceanic and Atmospheric Administration  
Operations Research and Facilities  
SUMMARY OF REQUIREMENTS BY OBJECT CLASS

Exhibit 16

Object Class	FY 2005 Actual	FY 2006 Currently Available	FY 2007 Base	FY 2007 Estimate	Increase / (Decrease)
11 Personnel compensation					
11.1 Full-time permanent	823,198	873,933	843,255	848,394	5,139
11.3 Other than full-time permanent	13,655	14,044	14,044	14,044	0
11.5 Other personnel compensation	53,121	51,717	52,717	53,872	1,155
11.6 Leave Surcharge	0	0	0	0	0
11.7 Military personnel	22,582	20,549	20,549	20,549	0
11.8 Special personnel services payments	0	0	0	18	18
11.9 Total Personnel Compensation	912,556	960,243	930,565	936,877	6,312
12.1 Civilian personnel benefits	243,678	240,955	241,455	242,947	1,492
13 Benefits for former personnel	17,768	18,754	19,572	19,572	0
21 Travel and transportation of persons	44,105	41,669	41,669	43,506	1,837
22 Transportation of things	14,425	13,413	13,413	13,572	159
23.1 Rental payments to GSA	60,157	57,209	58,209	62,558	4,349
23.2 Rental payments to others	16,425	15,908	16,908	16,908	0
23.3 Communications, utilities and miscellaneous charges	62,519	59,500	61,500	69,872	8,372
24 Printing and reproduction	3,411	3,543	3,543	3,604	61
25.1 Advisory and assistance services	127,957	121,426	99,426	134,559	35,133
25.2 Other services	388,494	329,918	278,240	365,935	87,695
25.3 Purchases of goods and services from Govt accounts	128,378	134,468	101,880	116,024	14,144
25.4 Operation and maintenance of facilities	0	0	0	0	0
25.5 Research and development contracts	6,976	7,008	7,408	7,576	168
26 Supplies and materials	91,162	86,705	80,508	84,752	4,244
31 Equipment	52,173	34,331	34,331	45,882	11,551
32 Lands and structures	10,220	8,960	8,960	8,960	0

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Object Class	FY 2005 Actual	FY 2006 Currently Available	FY 2007 Base	FY 2007 Estimate	Increase / (Decrease)
33 Investments and loans	0	0	0	0	0
41 Grants, subsidies and contributions	707,500	745,274	467,429	524,813	57,384
42 Insurance claims and indemnities	198	115	115	115	0
43 Interest and dividends	234	132	132	132	0
44 Refunds	0	0	0	0	0
99 Total Obligations	2,888,337	2,879,531	2,465,264	2,698,165	232,901
Cash Refund	(146)		0	0	0
Prior Year Recoveries	(16,245)		(11,000)	(11,000)	
Unobligated Balance, Start of Year	(41,113)	(59,178)	0	0	0
Unobligated Balance, End of Year	59,178		0	0	0
Total ORF Budget Authority	2,890,011	2,820,353	2,454,264	2,687,165	232,901
Less NOAA Corp	(17,518)	(18,504)	(19,322)	(19,322)	0
Total Discretionary ORF Budget Authority	2,872,493	2,801,849	2,434,942	2,667,843	232,901
Personnel Data					
Full-Time equivalent Employment:					
Full-time permanent	11,608	11,781	11,788	11,847	59
Other than full-time permanent					
Total	11,608	11,781	11,788	11,847	59

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Object Class	FY 2005 Actual	CY2006 Currently Available	FY 2007 Base	FY 2007 Estimate	Increase/ (Decrease)
Authorized Positions:					
Full-time permanent	12,168	12,262	12,233	12,306	73
Other than full-time permanent					
Total	12,168	12,262	12,233	12,306	73

Footnote: Dose not agree with MAX. Reflects updated FY 2006 & 2007 levels based on revised data.

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Object Class		FY 2005 Actuals	FY 2006 Currently Available	FY 2007 Base Program	FY 2007 Estimate	Increase/(Decrease) over FY 2007 Base
13	Benefits for former personnel	15,737	16,504	17,222	17,222	-
25.3	Other purchases of goods and services from Govt accounts	1,781	2,000	2,100	2,100	-
99	Total Obligations	17,518	18,504	19,322	19,322	-
	Direct Obligations	-	-	-	-	-
	NOAA Corps Retirement Pay (Mandatory)	(17,518)	(18,504)	(19,322)	(19,322)	-
	Total Budget Authority	-	-	-	-	-

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		FY 2005 Actual	FY 2006 Currently Available	ATBs	FY 2007 Base Program	FY 2007 Estimate	Increases/ Decreases
11	Personnel compensation						
11.1	Full-time permanent	0					
	Executive level						
	Senior Executive Service	0	0		0	279	279
	General schedule	812,140	853,475	31,300	822,797	827,577	4,780
	Commissioned officers		0		0	80	80
	Wage board/wage marine	10,704	10,945	0	10,945	10,945	0
	Scientific & professional (P.L. 80-313)				0	0	0
	Law Enforcement	354	9,513		9,513	9,513	0
	Students						
	Subtotal	823,198	873,933	31,300	843,255	848,394	5,139
11.3	Other than full-time permanent						
	General schedule	9,919	10,230		10,230	10,230	0
	Wage board/wage marine	3,736	3,814		3,814	3,814	0
	Experts & consultants	0	0		0	0	0
	Hourly	0	0		0	0	0
	Subtotal	13,655	14,044	0	14,044	14,044	0
11.5	Other personnel compensation						
	Overtime	20,549	20,519		20,519	20,535	16
	Cash awards	15,907	15,439		16,439	16,462	23
	Other	16,665	15,759		15,759	16,875	1,116
	Subtotal	53,121	51,717	0	52,717	53,872	1,155
11.7	Military Personnel						
	Military Personnel	15,907	13,667		13,667	13,667	0

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		FY 2005 Actual	FY 2006 Currently Available	ATBs	FY 2007 Base Program	FY 2007 Estimate	Increases/ Decreases
	Other	6,675	6,882		6,882	6,882	0
	Subtotal	22,582	20,549	0	20,549	20,549	0
11.8	Special personnel services payments						
	Foreign service officers (State)						
	Other	0	0		0	18	18
	Subtotal	0	0	0	0	18	18
11.9	Total personnel compensation	912,556	960,243	31,300	930,565	936,877	6,312
12.1	Civilian personnel benefits						
	Civil service retirement	19,515	22,451	0	22,451	23,524	1,073
	Federal Employee Retirement	63,766	63,551	0	64,051	64,452	401
	Medicare	12,989	12,948	0	12,948	12,948	0
	Thrift savings plan	25,297	21,398	0	21,398	21,398	0
	Federal insurance contribution act	37,025	36,875	0	36,875	36,893	18
	Health insurance	58,101	58,156	0	58,156	58,156	0
	Life insurance	1,406	1,392		1,392	1,392	0
	Overseas allowance (COLA)	11,402	10,803		10,803	10,803	0
	Employees comp fund (bec)	4,539	4,379	0	4,379	4,379	0
	Other	9,638	9,002		9,002	9,002	0
	Subtotal	243,678	240,955	0	241,455	242,947	1,492
13.0	Benefits for former personnel						
	Retired Pay	17,518	18,504	818	19,322	19,322	0
	Health benefits		0		0	0	0
	Other	250	250		250	250	0

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		FY 2005 Actual	FY 2006 Currently Available	ATBs	FY 2007 Base Program	FY 2007 Estimate	Increases/ Decreases
	Subtotal	17,768	18,754	818	19,572	19,572	0
21	Travel and transportation of persons	40,675	37,940		37,940	37,940	
	Aircraft rental	113	867		867	867	0
	GSA vehicles	449	410		410	410	0
	Program travel	2,868	2,452	0	2,452	4,289	1,837
	Subtotal	44,105	41,669	0	41,669	43,506	1,837
22	Transportation of things						
	Trans of household goods	3,407	3,060		3,060	3,060	0
	GSA trucks	5,007	4,771		4,771	4,771	0
	Other	6,011	5,582	0	5,582	5,741	159
	Subtotal	14,425	13,413	0	13,413	13,572	159
23.1	Rental payments to GSA	60,157	57,209	0	58,209	62,558	4,349
23.2	Rental payments to others	16,425	15,908	0	16,908	16,908	0
23.3	Communications, utilities and miscellaneous charges						
	Utility services	20,051	19,089	0	21,089	23,336	2,247
	Aircraft charter	821	842		842	842	0
	Vessel charter	8,811	7,065		7,065	8,765	1,700
	Rental of office copying equipment	0	854		854	854	0
	Rental of ADP equipment	2,538	2,499		2,499	2,499	0
	Federal telecommunications system	8,387	8,190		8,190	8,190	0
	Other telecommunications services	19,821	19,168	0	19,168	23,593	4,425
	Postal services by USPS	2,090	1,793		1,793	1,793	0

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		FY 2005 Actual	FY 2006 Currently Available	ATBs	FY 2007 Base Program	FY 2007 Estimate	Increases/ Decreases
	Other	0	0		0	0	0
	Subtotal	62,519	59,500	0	61,500	69,872	8,372
24	Printing and reproduction						
	Publications	3,097	2,908		2,908	2,940	32
	Public use forms	0	0		0	0	0
	Other	314	635	0	635	664	29
	Subtotal	3,411	3,543	0	3,543	3,604	61
25.1	Consulting services	127,957	121,426	0	99,426	134,559	35,133
25.2	Other services						
	Aircraft repair	2,328	2,244	0	2,244	2,244	0
	Vessel repair	13,386	12,477	0	12,477	52,951	40,474
	Contracts for research	0	0	0	0	0	0
	Maintenance of equipment	11,145	11,178	0	11,178	24,235	13,057
	Other	352,293	294,649	11,040	242,971	277,135	36,176
	Training	9,342	9,370		9,370	9,370	0
	Subtotal	388,494	329,918	11,040	278,240	365,935	89,707
25.3	Other purchases of goods & services from Gov't accounts						
	Purchases of goods & services from Gov't accounts	76,652	99,991	0	67,403	81,547	14,144
	Office of Personnel Management Training	11,884	0		0	0	0
	GSA reimbursable services	0	0		0	0	0
	Payments to DM, WCF	39,842	34,477	0	34,477	34,477	0
	Subtotal	128,378	134,468	0	101,880	116,024	14,144



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		FY 2005 Actual	FY 2006 Currently Available	ATBs	FY 2007 Base Program	FY 2007 Estimate	Increases/ Decreases
25.4	Operation and maintenance of facilities						
	Operation of GOCOs	0			0		
	Subtotal	0					
25.5	Research and development contracts	6,976	7,008	0	7,408	7,576	168
26	Supplies and materials						
	Chart paper	0	0		0	0	0
	Met. upper air	6,867	6,945		6,945	7,968	1,023
	Maintenance of vessel	3,253	2,904		2,904	2,904	0
	Gases	1,193	1,169		1,169	1,169	0
	Fuel	12,321	12,753	2,200	14,953	17,059	2,106
	ADP supplies	16,419	15,276		15,276	15,721	445
	Other	51,109	47,658	0	39,261	39,931	670
	Subtotal	91,162	86,705	2,200	80,508	84,752	4,244
31	Equipment						
	Office machines and equipment						
	ADP hardware	2,052	2,086		2,086	2,086	0
	Other capitalized	16,055	1,941		1,941	8,977	7,036
	Depreciation on capitalized equipment	0	0		0	5	5
	Non-capitalized	34,066	30,304	0	30,304	34,814	4,510
	Capital Lease	0	0		0	0	0
	Subtotal	52,173	34,331	0	34,331	45,882	11,551

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		FY 2005 Actual	FY 2006 Currently Available	ATBs	FY 2007 Base Program	FY 2007 Estimate	Increases/ Decreases
32	Lands and structures						
	Land	694	600		600	600	0
	Building and Other Structures	9,526	8,360		8,360	8,360	0
	Depreciation of Building	0	0		0	0	
	Subtotal lands and structures	10,220	8,960	0	8,960	8,960	0
33	Investments and loans				0	0	0
41	Grants, subsidies and contributions	707,500	745,274	0	467,429	524,813	57,384
42	Insurance claims and indemnities	198	115		115	115	0
43	Interest/dividends..	234	132		132	132	0
44	Refunds				0	0	0
99	Total Direct Obligations	2,888,337	2,879,531	45,358	2,465,264	2,698,165	232,901
	Cash Refund	(146)					
	Prior Year Recoveries	(16,245)			(11,000)	(11,000)	0
	Unobligated Balance, Start of Year	(41,113)	(59,178)				
	Unobligated Balance, End of Year	59,178					
	Total ORF Budget Authority	2,890,011	2,820,353	45,358	2,454,264	2,687,165	232,901
	Less NOAA Corp	(17,518)	(18,504)	(818)	(19,322)	(19,322)	0
	Total Discretionary ORF Budget Authority	2,872,493	2,801,849	44,540	2,434,942	2,667,843	232,901

Personnel Data

Department of Commerce  
National Oceanic and Atmospheric Administration  
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	FY 2005 Actual	FY 2006 Currently Available	ATBs	FY 2007 Base Program	FY 2007 Estimate	Increases/ Decreases
Full-Time equivalent Employment:						
Full-time permanent	11,608	11,781	7	11,788	11,847	59
Other than full-time permanent						
Total	11,608	11,781	7	11,788	11,847	59
Authorized Positions:						
Full-time permanent	12,168	12,262	(29)	12,233	12,306	73
Other than full-time permanent						
Total	12,168	12,262	(29)	12,233	12,306	73

Footnote: This exhibit does not agree with MAX. This exhibit reflects updated FY 2006 and FY 2007 levels based on revised data.

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**DEPARTMENT OF COMMERCE**  
**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**  
Operations, Research, and Facilities  
**APPROPRIATION SUMMARY STATEMENT**

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$2,763,222,000, to remain available until September 30, 2007, except for funds provided for cooperative enforcement which shall remain available until September 30, 2008: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled 'Coastal Zone Management' and in addition \$67,000,000 shall be derived by transfer from the fund entitled 'Promote and Develop Fishery Products and Research Pertaining to American Fisheries': Provided further, That of the \$2,833,222,000 provided for in direct obligations under this heading \$2,763,222,000 is appropriated from the General Fund and \$70,000,000 is provided by transfer: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$179,036,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$34,000,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000, unless funds provided for 'Coastal Zone Management Grants' exceed funds provided in the previous fiscal year: Provided further, That if funds provided for 'Coastal Zone Management Grants' exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That the personnel management demonstration project established at the National Oceanic and Atmospheric Administration pursuant to 5 U.S.C. 4703 may be expanded by 3,500 full-time positions to include up to 6,925 full-time positions and may be extended indefinitely: Provided further, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: Provided further, That, in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 611 et seq.), within funds appropriated under this heading, \$2,000,000 shall remain available until expended, for the cost of loans under section 211(e) of title II of Division C of Public Law 105-277, such loans to have terms of up to 30 years and to be available for use in any of the Bering Sea and Aleutian Islands fisheries.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary. (15 U.S.C. ch. 9, 9A, 40, 56; 16 U.S.C. ch. 32, 32A, 33; 33 U.S.C. ch. 17, 22, 26; 42 U.S.C. ch. 97, 103; 43 U.S.C. ch. 29; Department of Commerce and Related Agencies Appropriations Act, 2006.)

**DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**Appropriation Language and Code Citations**

1. For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration,

5 USC 5348	15 USC 1514	16 USC 3645	33 USC 3001 et seq.
5 USC 4703	15 USC 1517	16 USC 4101	33 USC 3044 et seq.
7 USC 1622	15 USC 1537-40	16 USC 4701 et seq.	42 USC 8902-05
10 USC 1072	16 USC 661 et seq.	16 USC 5001 et seq.	42 USC 9601 et seq.
10 USC 1111-1115	16 USC 757a et seq.	31 USC 1105	43 USC 1347
10 USC 2311	16 USC 1361	33 USC 706 et seq.	44 USC 1307
12 USC 1715m	16 USC 1431 et seq.	33 USC 883 a-i et seq.	49 USC 44720
15 USC 313	16 USC 1444	33 USC 891 et seq.	97 Stat. 1409
15 USC 313a	16 USC 1447a et seq.	33 USC 1121-1131	
15 USC 313b	16 USC 1451 et seq.	33 USC 1251	
15 USC 325	16 USC 1456a	33 USC 1321	
15 USC 330e	16 USC 1464	33 USC 1441-44	
15 USC 330b	16 USC 1531	33 USC 2706	
15 USC 1511d	16 USC 1801 et seq.	33 USC 2801 et seq	

**Organizations and Employees**

5 USC 5348 - Crews of Vessels.

“...the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.”

## 5 USC 4703- Demonstration Projects

“...the Office of Personnel Management may, directly or through agreement or contract with one or more agencies and other public and private organizations, conduct and evaluate demonstration projects.”

## Agriculture

### 7 USC 1622 - Distribution and Marketing of Agricultural Products

“The Secretary ... is directed and authorized: ...

- (a) to determine the needs and develop or assist in the development of plans for the proper assembly, processing, transportation, storage, distribution, and handling of agricultural (fish) products.
- (f) to conduct and cooperate in consumer education for the more effective utilization and greater consumption of agricultural products (fish)...
- (g) to collect and disseminate marketing information... for the purpose of ... bringing about a balance between production and utilization of agricultural (fish) products.
- (h) to inspect, certify, and identify the class, quality, quantity and condition of agricultural (fish) products ...
- (m) to conduct ... research ... to determine the most efficient ... processes for the handling, storing, preserving, protecting...of agricultural (fish) commodities ...”

#### (h) - Duties of Secretary relating to agricultural products; penalties

“Whoever knowingly shall falsely make, issue, alter, forge, or counterfeit any official certificate, memorandum, or other identification, with respect to inspection, class, grade, quality, size, quantity, or condition, issued or authorized under this section or knowingly cause or procure, or aid assist in, or be a party to, such false making, issuing, altering, forging, or counterfeiting, or whoever knowingly shall possess, without promptly notifying the Secretary (of Commerce) or his representative, utter, published, or used as true, any such falsely made, altered forged, or counterfeited official certificate, memorandum, mark, identification, or device, or whoever knowingly represents that an agricultural product has been officially inspected or graded...when in fact such commodity has not been so graded or inspected shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”



## **Armed Forces**

### **10 USC 1072 Medical and Dental Care**

“...The term “uniformed services” means the armed forces and the Commissioned Corps of the National Oceanic and Atmospheric Administration and of the Public Health Service.”

### **10 USC 1111-1115 Determinations of contributions to the Fund**

PL 108-375, Sec. 725 Revised funding methodology for military retiree health care benefits states: “At the beginning of each fiscal year after September 30, 2005, the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury--(1) the amount certified to the Secretary by the Secretary of Defense under subsection (c), which shall be the contribution to the Fund for that fiscal year required by section 1115; and (2) the amount determined by each administering Secretary under section 1111(c) as the contribution to the Fund on behalf of the members of the uniformed services under the jurisdiction of that Secretary.”

### **10 USC 2311 Assignment and delegation of procurement functions and responsibilities**

\_\_ (a) In General.--Except to the extent expressly prohibited by another provision of law, the head of an agency may delegate, subject to his direction, to any other officer or official of that agency, any power under this chapter.

(b) Procurements For or With Other Agencies.--Subject to subsection (a), to facilitate the procurement of property and services covered by this chapter by each agency named in section 2303 of this title for any other agency, and to facilitate joint procurement by those agencies--

(1) the head of an agency may delegate functions and assign responsibilities relating to procurement to any officer or employee within such agency;

(2) the heads of two or more agencies may by agreement delegate procurement functions and assign procurement responsibilities from one agency to another of those agencies or to an officer or civilian employee of another of those agencies; and

(3) the heads of two or more agencies may create joint or combined offices to exercise procurement functions and responsibilities.

## **Banks and Banking**

### 12 USC 1715m - Mortgage Insurance for Servicemen [NOAA Corps].

This section authorizes payment of Federal Housing Administration (FHA) home mortgage insurance premiums to NOAA Corps Officers.

## **Commerce and Trade**

### 15 USC 313 - Duties of Secretary of Commerce [National Weather Service].

“The Secretary of Commerce...shall have charge of the forecasting of weather,...issue of storm warnings,...weather and flood signals,... gauging and reporting of rivers,...collection and transmission of marine intelligence....,...reporting of temperature and rainfall conditions..., the display of frost and cold-wave signals, the distribution of meteorological information..., and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.”

### 15 USC 313 note - Weather Service Modernization Act

“(a) As part of the budget justification documents submitted to Congress in support of the annual budget request for the Department of Commerce, the Secretary shall include a National Implementation Plan for modernization of the National Weather Service” setting for specified modernization actions for the following two fiscal years.”

### 15 U.S.C. 313a - Establishment of meteorological observation stations in the Arctic region.

“... The Secretary of Commerce shall ... take such actions as may be necessary in the development of an international basic meteorological reporting network in the Arctic region of the Western Hemisphere...”

### 15 USC 313b - Institute for Aviation Weather Prediction

“The Administrator of the National Oceanic and Atmospheric Administration shall establish an Institute for Aviation Weather Prediction that shall provide forecasts, weather warnings, and other weather services to the United States aviation community....”

### 15 USC 325-Spending Authority for the National Weather Service

“...Appropriations now or hereafter provided for the Department of Commerce shall be available for: (a) furnishing food and shelter...to employees of the Government assigned to Arctic stations; (b) equipment and maintenance of meteorological offices and stations, and maintenance and operation of meteorological facilities outside the United States... (c) repairing, altering, and improving of buildings occupied by the Department, and care and preservation of grounds...(d) arranging for communication services... (e) purchasing tabulating cards and continuous form tabulating paper .

15 USC 330b - Duties of Secretary relating to Weather Modification Activities or Attempts - Reporting Requirement.

- (a) “The Secretary shall maintain a record of weather modification activities, including attempts, which take place in the United States and shall publish summaries thereof from time to time as he determines.”

15 USC 330e - Authorization of Appropriations relating to Weather Modification Activities or Attempts - Reporting Requirement.

This section provides funding authority to support the reporting requirements specified in this chapter.

15 USC 1511d - NOAA Estuarine Programs Office.

“... The Estuarine Programs Office shall develop, coordinate, and implement the estuarine activities of the administration with the activities of other Federal and State agencies. There are authorized to be appropriated to the Administration not to exceed \$560,000 for fiscal year 1989, and \$600,000 for fiscal year 1990.”

15 USC 1514 - Basic authority for performance of certain functions and activities of Department.

“Appropriations are authorized for the following activities of the Department of Commerce:

- (a) furnishing to employees...and their dependents, in Alaska and other points outside the continental United States, free emergency medical services...and supplies;
- (b) purchasing, transporting, storing, and distributing food and other subsistence supplies for resale to employees...and their dependents, in Alaska and other points outside the continental United States at a reasonable value...; the proceeds from such resales to be credited to the appropriation from which the expenditure was made;
- (c) ...establishment, maintenance, and operation of messing facilities, by contract or otherwise, in Alaska and other points outside the continental United States..., such service to be furnished to employees...and their dependents,...

- (d) reimbursement...of officers or employees in or under the Department...for food, clothing, medicines, and other supplies furnished by them in emergencies for the temporary relief of dislocated persons in remote localities;
- (e) providing motion-picture equipment and film for recreation of crews of vessels..., for...employees in remote localities..., and for training purposes;
- (f) erecting, altering, repairing, equipping, furnishing, and maintaining...such living quarters and facilities as may be necessary to carry out its authorized work at remote localities not on foreign soil where such living and working accommodations are not otherwise available.”

15 USC 1517 - Transfer of statistical or scientific work.

“The President is authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of Defense, the Department of Justice, the United States Postal Service, or the Department of the Interior, to the Department of Commerce; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division, or other branch of the public service, or the part thereof which is so transferred. All power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the Department of Commerce, or the Secretary thereof, as the case may be, as to the whole or part of such office, bureau, division, or other branch of the public service so transferred.”

15 USC 1537 - 1540 Needs Assessment for Data Management.

“Not later than 12 months after October 29, 1992, and at least biennially thereafter, the Secretary of Commerce shall complete an assessment of the adequacy of the environmental data and information systems of NOAA”

**Conservation**

16 USC 661 et seq.- Declaration of purpose; cooperation of agencies; surveys and investigations; donations.

“...the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of said

sections; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of said sections.”

16 USC 757a et seq.

The Act authorizes cooperative agreements with States “that are concerned with the development, conservation, and enhancement of [anadromous] fish” (section 757a(a)). Section 757d authorizes \$4,250,000 for each of fiscal years 1998, 1999, and 2000.

16 USC 1361 - Congressional Findings.

“The Congress finds that - (1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;”

“The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals, and shall provide financial assistance for, research into new methods of locating and catching yellow-fin tuna without the incidental taking of marine mammals.”

16 UCS 1431 et seq. - Findings, Purposes, and Policies [The National Marine Sanctuaries Act, as amended].

(b) Purposes and Policies

“The purposes and policies of this title are -

- (1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance;
- (2) to provide authority for ... conservation and management of these marine areas ...
- (3) to support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas...
- (4) to enhance public awareness, understanding, appreciation, and wise use of the marine environment;
- (5) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;
- (6) to develop and implement coordinated plans for the protection and management of these areas...;
- (7) to create models of, and incentives for, ways to conserve and manage these areas...”
- (8) to cooperate with global programs ...; and
- (9) to maintain, restore, and enhance living resources ...”

16 USC 1444 - Authorization of Appropriations.

“There are authorized to be appropriated to the Secretary” -

- (1) \$12,000,000 for fiscal year 1997;
- (2) \$15,000,000 for fiscal year 1998; and
- (3) \$18,000,000 for fiscal year 1999.

16 USC 1447a et seq. - Regional Marine Research Programs

Authorizes NOAA/EPA and Governors of certain states to appoint members to a number of regional marine research boards. Each board is to develop a comprehensive four year marine research plan and “the Administrator of the National Oceanic and Atmospheric Administration shall administer a grant program to support the administrative functions of each Board.”

Authorization for the Boards expires on October 1, 1999. The authorization for appropriations expired at the end of fiscal year 1996.

16 USC 1451 et seq. - Findings, Purposes, and Policies [Coastal Zone Management Act]

Establishes a voluntary partnership between the Federal Government and coastal States. It also establishes the National Estuarine Reserve Research program, in which the Secretary of Commerce may designate an estuarine area as a national estuarine research reserve in consultation with governor of affected state.

16 USC 1456a – Coastal Zone Management Fund

“(b) (1) The Secretary shall establish and maintain a fund, to be known as the ‘Coastal Zone Management Fund’, which shall consist of amounts retained and deposited into the Fund under subsection (a) of this section and fees deposited into the Fund under section 1456 (i) (3) of this title”

16 USC 1464 - Authorization of Appropriations.

“(a) There are authorized to be appropriated to the Secretary- (1) for grants under sections 306, 306A, and 309 - (A) \$47,600,000 for fiscal year 1997; (B) \$49,000,000 for fiscal year 1998; and (C) \$50,500,500 for fiscal year 1999; (2) for grants under section 315-(A) \$4,400,00 for fiscal 1997; (B) \$4,500,000 for fiscal year 1998; and (C) \$4,600,000 for fiscal year 1999.

16 USC 1531 et seq.

The purposes of the Act are “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in [the statute]” (section 11531(b)).

16 USC 1801 et seq.

Magnuson-Stevens Fishery conservation and Management Act.

The primary purpose of the Act is “to take immediate action to conserve and manage the fishery resources found off the coasts of the United States (section 1801(b)(1)).

16 USC 3645

Pacific coastal salmon recovery

“(A) For salmon habitat restoration, salmon stock enhancement, and salmon research, including the construction of salmon research and related facilities, there is authorized to be appropriated for each of fiscal years 2000, 2001, 2002, and 2003, \$90,000,000 to the States of Alaska, Washington, Oregon, and California. Amounts appropriated pursuant to this subparagraph shall be made available as direct payments. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.”

Amended in PL108-447 (FY 2005 Omnibus Appropriations Act) as follows: *Provided*, That section 628(2)(A) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (16 U.S.C. 3645) is amended—

- (1) by striking “2000, 2001, 2002, and 2003” and inserting “2005”, and
- (2) by inserting “Idaho,” after “Oregon,”.

16 USC 4101 et seq.

“The purposes of this chapter are - (1) to promote and encourage State activities in support of the management of interjurisdictional fishery resources, and (2) to promote and encourage management of interjurisdictional fishery resources through their range” (section 4101). Section 4107(a) authorizes \$4,400,000 for each of fiscal years 1998, 1999, and 2000. 16 USC 4701 et seq. - Aquatic Nuisance Prevention and Control

Establishes an interagency Aquatic Nuisance species Task Force, of which the Administrator of NOAA is a co-chair. The task force's responsibilities include developing and implementing "a program for waters of the United States to prevent introduction and dispersal of aquatic nuisance species; to monitor, control and study such species; and to disseminate related information."

#### 16 USC 5001 et seq. - Purpose of Convention

"It is the purpose ... to implement the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, signed in Moscow, February 11, 1992."

### **Money and Finance**

#### 31 USC 1105 - Budget contents and submission to Congress

(a) On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information.

Amended in PL108-447 (FY 2005 Omnibus Appropriations Act) as follows: "*Provided further*, That beginning in fiscal year 2006 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition and construction program having a total multiyear program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such program for each of the 5 subsequent fiscal years."

### **Navigation and Navigable Waters**

#### 33 USC 706 et seq. - Department of Commerce; current precipitation information; appropriation.

"There is authorized an expenditure as required,..., for the establishment, operation, and maintenance by the Secretary of Commerce of a network of recording and non-recording precipitation stations, known as the Hydroclimatic Network, whenever...such service is advisable..."

#### 33 USC 883a et seq. - Surveys and other activities.



“...the Secretary...is authorized to conduct the following activities:

- (1) Hydrographic and topographic surveys;
- (2) Tide and current observations;
- (3) Geodetic-control surveys;
- (4) Field surveys for aeronautical charts;
- (5) Geomagnetic, seismological, gravity, and related geophysical measurements and investigations, and observations ...”

33 USC 883b - Dissemination of data; further activities.

“...the Secretary is authorized to conduct the following activities:

- (1) Analysis and prediction of tide and current data;
- (2) Processing and publication of data...;
- (3) Compilation and printing of aeronautical charts...;
- (4) Compilation and printing of nautical charts...;
- (5) Distribution of aeronautical charts...;
- (6) Distribution of nautical charts...”

33 USC 883c - Geomagnetic data; collection; correlation, and dissemination.

“To provide for the orderly collection of geomagnetic data...the Secretary ... is authorized to collect, correlate, and disseminate such data.”

33 USC 883d - Improvement of methods, instruments, and equipments; investigations and research.

“...the Secretary ... is authorized to conduct developmental work for the improvement of surveying and cartographic methods, instruments, and equipments; and to conduct investigations and research in geophysical sciences...”

33 USC 883e - Cooperative Agreements for Surveys and Investigations; contribution of costs incurred by National Oceanic and Atmospheric Administration.

“(1) The Secretary of Commerce is authorized to enter into cooperative agreements with, and to receive and expend funds made available by... for surveys or investigations... or for performing related surveying and mapping activities... and for the preparation and publication of the results thereof.”

“(2) The Secretary of Commerce is authorized to establish the terms of any cooperative agreement entered into ... including the amount of funds to be received ... which the Secretary determines represents the amount of benefits derived ... from the cooperative agreement.”

33 USC 883f - Contracts with qualified organizations.

“The Secretary is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the National Ocean Survey...”

33 USC 883h - Employment of public vessels.

“The President is authorized to cause to be employed such of the public vessels as he deems it expedient to employ, and to give such instructions for regulating their conduct as he deems proper in order to carry out the provisions of this chapter.”

33 USC 883i - Authorization of Appropriations.

“There are hereby authorized to be appropriated such funds as may be necessary to acquire, construct, maintain, and operate ships, stations, equipment, and facilities and for such other expenditures, including personal services at the seat of government and elsewhere and including the erection of temporary observatory buildings and lease of sites therefore as may be necessary...”

33 USC 891 et seq. - Fleet Replacement and Modernization Program

“The Secretary is authorized to implement... a 15-year program to replace and Modernize the NOAA fleet.”

33 USC 1121-1124, 1126-1129, 1131 - National Sea Grant College Program Act.

The Sea Grant Act authorizes the awarding of grants and contracts to initiate and support programs at Sea Grant colleges and other institutions for research, education, and advisory services in any field related to the conservation and development of marine resources. The authorization for appropriation expired at the end of FY 1995.

### 33 USC 1251- Water Pollution Prevention and Control

Through the National Shellfish Indicator Program, authorizes the Secretary of Commerce, in cooperation with the Secretary of Health and Human Services and the Administrator of EPA, to establish and administer a 5-year national shellfish research program for the purpose of improving existing classification systems for shellfish growing waters using the latest technological advancements in microbiology and epidemiological methods.

### 33 USC 1321 - Oil and Hazardous Substances [Clean Water Act]

Authorizes the recovery of damages to natural resources in the event of an oil spill in waters of the United States. This authority has been delegated to several Federal agencies, including the Department, pursuant to an Executive Order.

### 33 USC 1441 - Monitoring and Research Program [Marine Protection, Research and Sanctuaries Act]

Authorizes the Secretary of Commerce, in coordination with other agencies, to initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters.

### 33 USC 1442 - Research program respecting possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems

Authorizes the Secretary of Commerce, in consultation with other agencies, to ... “initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems.”

### 33 USC 1443 - Regional management plans for waste disposal in coastal areas.

Authorizes the Secretary of Commerce to assist the Environmental Protection Agency in assessing “the feasibility in coastal areas of regional management plans for the disposal of waste materials.”

### 33 USC 1444 - Annual Report

Requires the Secretary of Commerce to provide Congress with an annual report on the Department’s activities to monitor ocean dumping and research the long-range effects of pollution on ocean ecosystems.

### 33 USC 2706 - Natural Resources [NOAA Oil and Hazardous Substance Spill Cost Reimbursement].

“...the National Oceanic and Atmospheric Administration acts as trustee of said marine environment and/or resources, shall be deposited in the Damage Assessment and Restoration Revolving Fund ... for purposes of obligation and expenditure in fiscal year 1991 and thereafter, sums available in the Damage Assessment and Restoration Revolving Fund may be transferred, upon the approval of the Secretary ..., to the Operations, Research, and Facilities appropriation of the National Oceanic and Atmospheric Administration.”

### 33 USC 2801 et seq. - National Coastal Monitoring Act.

“The purposes of this chapter are to -

- (1) establish a comprehensive national program for consistent monitoring of the Nation's coastal ecosystems;
- (2) establish long-term water quality assessment and monitoring programs for high priority coastal waters that will enhance the ability of Federal, State, and local authorities to develop and implement effective remedial programs for those waters;
- (3) establish a system for reviewing and evaluating the scientific, analytical, and technological means that are available for monitoring the environmental quality of coastal ecosystems;
- (4) establish methods for identifying uniform indicators of coastal ecosystem quality;
- (5) provide for periodic, comprehensive reports to Congress concerning the quality of the Nation's coastal ecosystems;
- (6) establish a coastal environment information program to distribute coastal monitoring information;
- (7) provide state programs authorized under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) with information necessary to design land use plans and coastal zone regulations that will contribute to the protection of coastal ecosystems; and
- (8) provide certain water pollution control programs authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with information necessary to design and implement effective coastal water pollution controls.”

### 33 USC 3001 et seq.- NOAA Corps Officers

PL 108-219 states: “All action in the line of duty by, and all Federal agency actions in relation to (including with respect to pay, benefits, and retirement) a de facto officer of the commissioned corps of the National Oceanic and Atmospheric Administration who was appointed or promoted to that office without Presidential action, and without the advice and consent of the Senate, during such time as the officer was not properly appointed in or promoted to that office, are hereby ratified and approved if otherwise in accord with the law, and the President alone may, without regard to any other law relating to appointments or promotions in such corps, appoint or promote such a de facto officer temporarily, without change in the grade currently occupied in a de facto capacity, as an officer in such corps for a period ending not later than 180 days from the date of enactment of this Act.”

### 33 USC 3044 et seq. -Retirement for length of service

PL 107-372 states: “An officer who has completed 20 years of service, of which at least 10 years was service as a commissioned officer, may at any time thereafter, upon application by such officer and in the discretion of the President, be placed on the retired list.

### 33 USC 3045 - Computation of retired pay

PL 107-372 states: “ (a) Officers first becoming members before September 8, 1980: Each officer on the retired list who first became a member of a uniformed service before September 8, 1980, shall receive retired pay at the rate determined by multiplying -(1) the retired pay base determined under section 1406(g) of title 10; by (2) 2 1/2 percent of the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces. The retired pay so computed may not exceed 75 percent of the retired pay base. (b) Officers first becoming members on or after September 8, 1980 Each officer on the retired list who first became a member of a uniformed service on or after September 8, 1980, shall receive retired pay at the rate determined by multiplying -(1) the retired pay base determined under section 1407 of title 10; by (2) the retired pay multiplier determined under section 1409 of such title for the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces. (c) Treatment of full and fractional parts of months in computing years of service (1) In general In computing the number of years of service of an officer for the purposes of subsection (a) of this section - (A) each full month of service that is in addition to the number of full years of service creditable to the officer shall be credited as 1/12 of a year; and (B) any remaining fractional part of a month shall be disregarded. (2) Rounding Retired pay computed under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

### 33 USC 3046 - Retired grade and retired pay

PL 107-372 states: “Each officer retired pursuant to law shall be placed on the retired list with the highest grade satisfactorily held by that officer while on active duty including active duty pursuant to recall, under permanent or temporary appointment, and shall receive retired pay based on such highest grade, if - (1) the officer's performance of duty in such highest grade has been satisfactory, as determined by the Secretary of the department or departments under whose jurisdiction the officer served; and (2) unless retired for disability, the officer's length of service in such highest grade is no less than that required by the Secretary of officers retiring under permanent appointment in that grade.

## **The Public Health and Welfare**

### **42 USC 8902-8905 - Acid Precipitation Program**

Authorized the Administrator of NOAA to serve as co-chair of a task force to prepare a comprehensive research plan for a program to study the causes and effects of acid precipitation. Also authorizes the Administrator of NOAA to serve as the director of a related research program.

### **42 USC 9601 et seq. (CERCLA)**

Through associated regulations and delegations, authorizes the Administrator to provide technical assistance to the Administrator, EPA, for hazardous waste response under CERCLA and the National Contingency Plan and authorizes the Administrator to act as a natural resource trustee with authority to bring a cause of action for damages resulting from an injury to, destruction of or loss of resources under NOAA's jurisdiction.

## **Public Lands**

### **43 USC 1347 - Safety and Health Regulations**

Authorizes the Secretary of Commerce in cooperation with other Federal entities, to conduct studies of underwater diving techniques and equipment "suitable for protection of human safety and improvement of diver performance...."

## **Public Printing and Documents**

### **44 USC 1307 - Sale and Distribution of NOAA Nautical and Aeronautical Products.**

"All nautical and aeronautical products created or published ... shall be sold at ... prices ... the Secretary of Commerce shall establish annually ... so as to recover all costs attributable to data base management, compilation, printing, and distribution of such products."

## **Transportation**

### **49 USC 44720 - Meteorological services**

The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. In providing the services, the Secretary shall cooperate with the Administrator and give complete consideration to those recommendations.

“To promote safety and efficiency in air navigation to the highest possible degree, the Secretary shall -(1)observe, measure, investigate, and study atmospheric phenomena, and maintain meteorological stations and offices...(2) provide reports to the Administrator (3)cooperate with persons engaged in air commerce in meteorological services...(4)maintain and coordinate international exchanges of meteorological information... (5) participate in developing an international basic meteorological reporting network...(6)coordinate meteorological requirements in the United States to maintain standard observations...;(7)promote and develop meteorological science....

### **Interjurisdictional Fisheries Act**

97 Stat. 1409

Authorizes NMFS fisheries programs not otherwise authorized by law, including research to reduce entanglement of marine mammals in fishing gear, development of habitat restoration techniques, restoration of Chesapeake Bay, and conservation of Antarctic living marine resources.

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**Department of Commerce**  
**National Oceanic and Atmospheric Administration**  
**Operations, Research, and Facilities**  
**CONSULTING AND RELATED SERVICES**  
**(Obligations in thousands of dollars)**

	<u>Actual</u>	<u>2005 Estimate</u>	<u>2006 Request</u>	<u>2007</u>
Management and Professional Support Services		10,715	10,897	11,093
Studies, Analysis and Evaluations		3,183	3,237	3,295
Engineering and Technical Services		<u>37,852</u>	<u>38,495</u>	<u>39,188</u>
Total		51,750	52,629	53,576

Consulting Services are those services of a pure nature relating to the governmental functions of agency administration and management and agency problem management. These services are normally provided by persons or organizations generally considered to have knowledge and special abilities that are not usually available within the agency. Such services can be obtained through personnel appointments, procurement contracts, or advisory committees.

Management and professional services deal with management data collection, policy review or development, program development, review or evaluation, systems engineering and other management support services. Special studies and analyses deal with the highly specialized areas of agency activity, e.g., air quality, chemical, environmental, geophysical, oceanographic, technological, and etc. Management and support services for research and development are procurement actions that meet the description of management and professional services or special studies and analyses but are funded under research and development.

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**Department of Commerce  
National Oceanic and Atmospheric Administration  
Operations, Research, and Facilities  
PERIODICAL, PAMPHLETS, AND AUDIOVISUAL PRODUCTS  
(Obligations in thousands of dollars)**

	<b>2005</b>	<b>2006</b>	<b>2007</b>
	<b><u>Actual</u></b>	<b><u>Estimate</u></b>	<b><u>Request</u></b>
Periodicals.....	926	942	959
Pamphlets.....	667	678	691
Audiovisuals .....	<u>316</u>	<u>322</u>	<u>327</u>
Total .....	1,909	1,942	1,977

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**Exhibit 36**

**Department of Commerce  
National Oceanic and Atmospheric Administration  
AVERAGE GRADE AND SALARY**

	2005	2006	2007
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
Average executive and SES level pay plans	\$144,989	\$149,484	\$152,772
Average GS/GM grade	11.66	11.66	11.66
Average GS/GM salary	\$ 74,617	\$ 76,930	\$ 78,623
 Average Pay Band salary	 \$ 81,358	 \$ 83,880	 \$ 85,725
Average Commissioned Officers salary	\$ 84,810	\$ 87,439	\$ 89,363
Average salary for other positions	\$ 67,242	\$ 69,327	\$ 70,852